



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, August 25, 2003, at 7:00 p.m.

1. Call to Order/Roll Call

The following were present:

Mayor Billy Bain
Councilman Peter Pacheco
Councilman Rob Youngs

Absent:

Vice Mayor Eric Elza
Councilman Jim Caudle

Also Present:

Interim City Manager/Bldg. Official Michael A. Sprovero
Acting Asst. City Mgr./Chief of Police H. Randall Dilling
City Attorney Jan K. Seiden
Finance Director Charles G. Marshall
City Planner Richard E. Ventura
Public Services Director Denise Yoezle
Acting Parks & Recreation Director James R. Borgmann
Police Captain Pete Baan
Downtown Administrator Octavien A. Spanner
City Clerk Magalí Valls

2. Invocation: Councilman Youngs offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

(Agenda item 3A was discussed immediately following Agenda Item 9H.)

3A) Final Report from Florida International University (FIU) - Metropolitan Center Pertaining to the N. W. 36th Street Commercial Corridor Market Study

Downtown Administrator Octavien A. Spanner introduced Dr. Dario Moreno and Dr. Ned Murray from Florida International University who would be presenting the final report pertaining to the N. W. 36th Street Commercial Corridor Market Study.

Dr. Ned Murray, Associate Director of the Florida International University (FIU) Metropolitan Center, thanked Council for the opportunity to present the study, which was amended to include an implementation component with five specific steps.

Dr. Murray outlined the following Strategic Plan Tasks:

- 1) Creation of a “N.W. 36th Street Commercial Gateway” for Miami Springs
- 2) Creation of a Mixed-use Corridor that targets and promotes business clusters associated with international trade and tourism
- 3) Develop an appropriate land use strategy that will provide an incentive for new investment activity
- 4) Expand the City’s Economic Development Management Capacity

Dr. Murray explained that the implementation plan sets forth the following steps from a management and political standpoint to go forward with these tasks:

- 1) Adopt the study and the four proposed economic development strategies for commercial revitalization within the N. W. 36th Street Corridor.
- 2) Authorize funds for the formulation of a strategic plan that determines the feasibility of the proposed economic development implementation strategies and the study outlines a number of tools.
- 3) Commence the City’s Comprehensive Plan Evaluation and Appraisal Report to address the land use recommendations
- 4) The City Manager should direct the City’s Economic Development Office to explore business retention and attract firms associated with international trade, which is the primary sector identified within the market study
- 5) The City Manager should direct the City’s Economic Development Director and Planning Director to explore best practice examples and case studies for commercial gateway projects throughout Florida and the United States.

Dr. Dario Moreno, Director of the Florida International University (FIU) Metropolitan Center, said that the initial report was a market study showing that the N. W. 36th Street Corridor offers the City a mechanism for development to attract businesses, especially in the import/export sector without changing the unique characteristics of Miami Springs, or the quality of life for the residents.

Dr. Moreno stated that Council has the opportunity to set the pace and to set the standards for the

36th Street Corridor, because the land use regulations are quite loose and the market could go upswing in ways that might not be in the best interest of the quality of life. He explained that the market study does not offer a plan, it only sets forth the opportunities.

Councilman Youngs said the trends and economic indicators are beginning to turn so there is a certain amount of time before market forces will take over events. He said the suggestion is to take control of the events and the development.

Dr. Moreno stated that there is a gateway to the 36th Street Corridor, which is what Glenn Curtiss originally imagined for this community.

Dr. Murray emphasized that they have performed a number of corridor studies in South Florida, and when the market takes over, the development is not always in the best interest of the community. He said that communities do well with a study and a strategic plan that clearly articulates what the City wants for the quality of life.

Dr. Murray said that development can be negative or positive, and a city can do very well by taking advantage of the opportunities. He explained that there are a number of options, the tools and opportunities exist, and it would only take the vision to do it.

Councilman Youngs said that he would like to know what an implementation plan consists of and why the City should spend more money on plans and studies.

Councilman Pacheco said that this is approximately the fifth study that has been done for the 36th Street Corridor. He explained that the City continues to fund these studies, and something should be done. Councilman Pacheco agreed that this is an optimal time, and he would like to know what steps should be taken. He said that adding another study would not do anything, and part of the problem is that there is never a full picture of what should be done.

Councilman Pacheco said that it would take the consensus of a full Council to move in any direction, and perhaps the issue should be addressed later.

Dr. Murray said that he has found that in every City in South Florida that it all comes down to financing and the economic development tools. He said there are only a few options and most cities do not have the capital improvement funds in place. Dr. Murray explained that the City of Miami Springs has the advantage of having existing businesses and the infrastructure is in place. He said that the gateway would allow the City to project an image to all of South Florida, the improvements are minimal, and the businesses would probably be willing to work with the City to make it happen.

Dr. Murray said that one issue is financing and there is really only one option, which other cities have used, and that is the C.R.A. option. He said that the City could go forward with a Finding of Necessity under Chapter 163, and the other option is a Business Improvement District.

Dr. Murray explained that the City could plan and control the market, or the market could take over and control the City, without concern for the quality of life. He felt that there is an opportunity to do

something from a visioning standpoint and a step-by-step process that considers many options.

Councilman Youngs said that a physical gateway concept would involve public improvements either at the public's expense or financed by a C.R.A. or Business Improvement District. These would be improvements to create the appearance and the atmosphere. He said that the City has a tight budget and this is a problem. He said there is work to do on the City's Comprehensive Land Use Plan and Council would have to address this as well.

Councilman Youngs said that a C.R.A. or Business District would be a mechanism to accelerate the growth, and perhaps the growth should not be accelerated until the City is ready to handle it. He explained that architectural control would be a non-cost mechanism, which could be accomplished by amending the City Code and Comprehensive Plan.

Dr. Murray said that an Evaluation and Appraisal Report is coming due for all the communities in the State of Florida, and the opportunity exists to use this as part of a real planning process. He reiterated that Miami Springs has the businesses in place and this creates an opportunity for a public/private partnership.

Downtown Administrator Octavien A. Spanner explained that he requested FIU to submit a proposed scope of services for Council to consider during the budget process.

Councilman Pacheco said that the proposal outlines four points with a six-month timetable and the cost is \$45,000. He asked what Council would have in their hands at the end of that time.

Dr. Murray said that in the end there should be clear consensus about a plan, and that it would be a timely process working with the State and the community to build the public/private partnership. He said the end result may be a bid or Council might ask a consultant to do a Finding of Necessity, but first there must be a visioning process and people who are willing to participate.

Councilman Pacheco asked how a consensus is built in the planning process.

Dr. Murray responded that the strategic planning process involves a level of work in the community. He said that the necessary steps are taken in order to build consensus in the community, and there is no set number of workshops or public meetings. Dr. Murray said that Council would then know what the community is asking for and know that the plan is going to work.

Councilman Pacheco asked if another plan would be needed at the end of the strategic plan or if Council would have something concrete that they could move forward with.

Mr. Spanner felt that it would depend on how long Council takes to make a decision. The previous plan for the N. W. 36th Street Corridor was prepared in 1997, and now it is 2003. He said that if Council were to wait three more years, then the data must be reviewed again. He felt that F.I.U. is

saving the City a lot of money, and they have done a marvelous job.

Mr. Spanner asked Council to contact him if they need any further information regarding economic development. He said that Council must give him direction on how to move forward.

Councilman Pacheco said that most residents agree that something should be done with the 36th Street Corridor, and there is no doubt that there must be a plan. The plan must be implemented in a timely manner, but at the same time, Council needs to know the scope of the plan, and what it would cost. He said that it is a very important decision to make, and he would not want to waste the taxpayer's money.

Mr. Spanner said that he and the consultants presented the facts and made recommendations in order for Council to make the decisions. He said that he would be happy to provide further information in order to address the concerns of the community.

Dr. Moreno explained that everything promised in the first study is doable, the second study sets forth the plan, and the third step belongs to Council because they must have the political will to follow through with the plan.

4. Open Forum:

N. W. 36th Street Corridor Development

Alex Morton of 664 La Villa Drive stated that Miami Springs has suffered from the demise of Eastern and Pan American Airlines and the September 11, 2001 attack on the World Trade Center also dramatically affected N. W. 36 Street, including Airbus, Flight Safety Boeing, Pan American Training Facility and Aero Services. The number of pilots brought into the City for training was reduced from 13,000 to 3,000 last year, and airline related businesses suffered.

Mr. Morton urged Council to think ahead about the future for N. W. 36th Street and to utilize the airport as the basis for growth in Miami Springs. He suggested considering commercial development of office buildings that are needed for the airport expansion, which would double the tax base, and bring people into the City.

Hurricane Preparation

Juan Hervis of 1200 Raven Avenue expressed his concern about the City's tree canopy and what would happen during a hurricane. He urged the City to adopt a plan to prune and maintain the trees.

Tree Removal

Martin Marquez of 401 Hunting Lodge Drive inquired the reason behind removing two Royal Poinciana Trees from private property. He was of the opinion that mature trees should not be

removed only because they littered the rooftop or the grass did not grow underneath.

Crime Prevention

Alfred Wittenberg of 107 South Royal Poinciana Boulevard was concerned about crime in the vicinity of N. W. 36th Street. He felt that police officers on foot should patrol the area in order to provide protection for the tourists.

Golf and Country Club

Alfred Wittenberg of 107 South Royal Poinciana Boulevard suggested that the Golf fees should be increased in order to support the Golf Course facility.

5. Approval of Council Minutes:

5A) 08/04/2003 - Workshop Meeting

Minutes of the August 4, 2003 Workshop Meeting were approved as written.

Councilman Pacheco moved to approve and Councilman Youngs seconded the motion, which carried 3-0 on roll call vote.

6. Reports from Boards & Commissions:

6A) 08/05/2003 - Code Enforcement Board - Minutes

Minutes of the August 5, 2003 Code Enforcement Board meeting were received for information without comment.

6B) 08/14/2003 - Board of Parks and Parkways - Minutes

Minutes of the August 14, 2003 Board of Parks and Parkways meeting were received for information without comment.

6C) 08/21/2003 - Historic Preservation Board - Cancellation Notice

Cancellation Notice of the August 21, 2003 Historic Preservation Board meeting was received for information without comment.

7. **Public Hearings:** None.

8. **Consent Agenda:** None.

9. **Old Business:**

9A) **Appointment to the Historic Preservation Board by Vice Mayor Elza (Group I), for a 3-year Term Ending on February 28, 2006 (Deferred: 8/11/2003)**

Vice Mayor Elza was not present and the appointment to the Historic Preservation Board was **deferred** to the next meeting.

9B) **Appointment to the Civil Service Board by Councilman Caudle (Group II) for a Full 3-year Term Ending on June 30, 2006 (Deferred: 8/11/2003)**

On behalf of Councilman Caudle (Group II), City Clerk Magalí Valls informed Council that he is **appointing** Bob Best to the Civil Service Board for a full 3-year term ending on June 30, 2006.

9C) **First Reading - Ordinance - An Ordinance of the City Council of the City of Miami Springs Creating Article VI, Architectural Review, and Code of Ordinance Section 151-59, Architectural Review Board; by Establishing the Board and Providing for Board Membership, the Procedure to Fill Board Vacancies, Terms of Office, Term Limits, Board Chairman and Rules of Procedure, Qualifications for Board Membership, Board Meetings and Record, Approval of Plans, Specifications and Designs, Notice of Review by Board, Consultant Services, Authority to Require Modifications, Fees for Examination of Plans, Specifications, and Designs, and Expenses for Board Members; Repealing all Ordinances or Parts of Ordinances in Conflict; Directing Codification; Effective Date**

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that this is the first reading of the ordinance that Council discussed at the last meeting.

Dona Kelley of 830 Swan Avenue spoke in favor of the proposed ordinance.

Attorney Seiden stated that the proposed ordinance is a great beginning because it enforces the color palette and façade program for Downtown Revitalization. He said that after the ordinance is passed on second reading, Council must consider other avenues of policy that the Architectural Review

Board would review and approve.

Councilman Youngs asked Interim City Manager/Building Official Michael A. Sprovero to contact the other cities that have Architectural Review Boards to get examples of what standards are used.

Mr. Sprovero offered to obtain the guidelines for the City of Coral Gables and the City of Miami Beach.

To answer the Mayor's question, Attorney Seiden stated that Council would give the Architectural Review Board guidance and the members would make the determination as to whether proposed revitalization projects fall under the adopted guidelines.

Council directed the Administration to schedule second reading of the ordinance for the September 22, 2003 Regular meeting.

Councilman Youngs moved to approve the ordinance on first reading. Councilman Pacheco seconded the motion, which carried 3-0 on roll call vote.

9D) First Reading - Ordinance - An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 93.50, Garage Sales; by Increasing the Number of Sales Permitted for the Same Property During Each Calendar Year; Providing a Waiver Procedure for the Required Interval Between Sales; Creating a Procedure to Evaluate if a Sale was Conducted; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that the amended ordinance would provide for three garage sales per calendar year instead of two. A provision was added to the waiver procedure for owners or lessees who can establish, to the satisfaction of the City, that they are moving to a different location within the City or outside of the City. At the discretion of the City, a garage sale that was "rained out" will not count against the number of such sales permitted for any residential property.

Councilman Youngs moved to approve and Councilman Pacheco seconded the motion. On roll call vote, the motion carried 3-0.

9E) First Reading - Ordinance - An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-013, Fences, Landscaping, and Boundary Wall; by Providing a Limitation for the Height of Ficus Hedges; Establishing a Provision Prohibiting the Future Planting of Ficus Hedges; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that the ordinance was drafted based on Council's discussion at the last meeting, and the height of currently existing ficus hedges was changed to six feet in order to be consistent with the fence height.

Councilman Pacheco moved to approve the ordinance on first reading. Councilman Youngs seconded the motion, which carried 3-0 on roll call vote.

9F) First Reading - Ordinance - An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 54-06, Tree Removal Standards; by Establishing a Black Olive Tree Replacement Program which Provides Provisions Governing the Removal and Replacement of Black Olive Trees from Private and Public Property; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that there were no changes from Council's previous discussion. One provision deals with the removal of black olive trees from private property, and the second deals with the removal of black olive trees from public property, which is limited to twenty trees per year.

Mayor Bain asked about the release for homeowners who want to remove the trees from the swale.

Attorney Seiden said that he did not include a provision for a release, and this is something that Council could discuss before second reading. He explained that the idea of the twenty trees per year is mandated in order for the City to maintain the Tree City U.S.A. certification, and without this limitation, there could be too much tree canopy eliminated.

Mayor Bain mentioned that the City has a ficus tree removal program and there are still many ficus trees on public property. He suggested that the citizens might be able to assist the City with the removal of the black olive trees. The Mayor asked Eric Richey, Chairman of the Board of Parks and Parkways, to explain why the removal is limited to twenty trees per year.

Eric Richey of 224 Reinette Drive explained that the City began removing ficus trees due to the damaging root system, and perhaps the trees that were not causing damage were allowed to remain. He said that many cities planted black olive trees twenty years ago before the problem with the root system and staining factor was known.

Mr. Richey estimated that approximately 20% of the City's tree canopy consists of black olive trees. He said that the destruction of all the trees would leave the streets bare, and the replacement trees would not provide the same canopy for at least ten or fifteen years.

Mr. Richey stated that the Board of Parks and Parkways agrees with the Public Services Director that twenty trees per year would be the maximum amount the City could spend on removal of trees from public property. He said that the charge of the Board is to protect the tree canopy and to make

sure it is restored, and even though the black olive is a problem tree, it is not considered a nuisance tree. Mr. Richey explained that there are currently fifteen complaints from homeowners about problem trees, and the Board increased the amount to twenty trees.

Councilman Youngs asked if a homeowner could remove a black olive tree from public property at their own expense.

Mr. Richey said the ordinance allows a homeowner to hire a licensed company to remove a tree from public property with permission from the City. He explained that he would be concerned if the homeowners were to begin cutting down trees on public property.

Councilman Pacheco stated that there is a value that is related to the Tree City U.S.A. designation, and the tree canopy increases the value of the homes in the City.

Councilman Youngs complimented the Board of Parks and Parkways for their recommendation to amend the tree ordinance.

Councilman Pacheco asked what is the status of the ficus tree removal program.

Public Services Director Denise Yoezle stated that ficus trees are removed when a determination is made that the roots are intruding the sewer lines or the Florida Power and Light distribution lines.

Councilman Youngs moved to approve the ordinance on first reading and Councilman Pacheco seconded the motion, which carried 3-0 on roll call vote.

9G) First Reading - Ordinance - An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 93.13, Maintenance of Property; by Increasing the Amount of Time Permitted for Installation and Removal of Storm Protection Devices; Providing an Exception for Expanded Permitted Usage of Such Devices During a Calendar Year; Establishing a Policy of the City Against Improper Usage; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that based on Council's previous discussion, it was determined that the storm protection devices are good for the purpose they were designed for, but they are bad for crime prevention or security when people are living in a residence.

Attorney Seiden explained that the placement for accordion shutters, window awnings, and hurricane panels was increased from 72 hours to five days. Upon proper notification to the Code Enforcement Department that the property owner will be absent from the City, the storm protection devices may be closed, lowered, placed or installed for no longer than ninety days during any

calendar year. The plywood sheets and other forms of storm protection devices shall be opened, raised or removed within thirty days.

Attorney Seiden added a provision stating that it is the established policy of the City that the storm protection devices that the specified storm protection devices shall not be used as a method or means of providing security or crime prevention while the premises are being occupied. He said that the proposed ordinance would protect those citizens who feel that the storm protection devices take away from the value of their property, and at the same time, it allows the devices with proper usage.

Councilman Youngs suggested adding the provision that the property would not be occupied, instead of that the property owner would be absent from the City. He also suggested that the notification should be to the Police Department instead of the Code Enforcement Department.

Councilman Pacheco moved to approve the ordinance on first reading as amended and Councilman Youngs seconded the motion.

Councilman Pacheco asked if the Police Department would trigger a watch order when the homeowner gives notification that they are putting up the storm shutters and going out of town.

Acting Assistant City Manager/Chief of Police H. Randall Dilling informed Council that the Police Department has a system in place for vacation checks and it could be modified to include the affected properties.

The motion carried 3-0 on roll call vote.

9H) Approval of License Agreement Between the City and Amaury Bitetti for Martial Arts Instruction (Discussed: 8/11/2003)

Ray Rodriguez of 1255 Starling Avenue, owner and operator of Ray's Tae Kwon Do Center at 81 Curtiss Parkway, spoke against the license agreement between the City and Amaury Bitetti. He felt that his business provides a service for the people of Miami Springs, and it brings people to the City.

Mr. Rodriguez was of the opinion that allowing an individual to teach martial arts at a City facility would be counterproductive to the interest of the City, it could put a burden on his business, and it might force him to move his business somewhere else.

To answer the Mayor's question, Mr. Rodriguez confirmed that he expressed his interest in being involved in the City's recreation program to the former Recreation Director and he was never contacted. He said that he is willing to offer this service to the City.

Councilman Youngs stated that Ray's Tae Kwon Do is a renowned business that puts Miami Springs on the map, which is appreciated. He asked if Mr. Rodriguez if he is against the City giving an unfair advantage to another business.

Mr. Rodriguez stated that there is no need for the City to compete against another business that

provides martial arts instruction, especially when the City would not benefit from a large amount of revenue.

Interim City Manager/Building Official Michael A. Sprovero stated that the City does not go out to bid for recreational programs and the individual approached the City asking to rent the facility to conduct the classes.

Mayor Bain would like the City's businesses or residents to have the opportunity to offer a proposal for this service.

Acting Parks and Recreation Director James R. Borgmann stated that a survey of other cities was conducted to determine how they handle outside program providers and building lease arrangements. He said that the results varied but they were very close to the City's arrangement for a "70/30" split where the vendor retains 70% of the revenues with the balance remitted to the City.

Mr. Borgmann stated that the City has done rental agreements for the full facility, like the agreement with the Romir Baseball Academy, or other parts of the facility could be rented for smaller periods of time.

Councilman Pacheco said that there has been a concern about attracting business to Downtown Miami Springs, and Ray's Tae Kwon Do is an established business that has given back to the community. He said that approving the agreement with Amaury Bitetti would be direct competition with Ray's Tae Kwon Do, and he would not want to hurt a local business.

Mayor Bain asked how much the individuals would be charged to attend the martial arts classes.

Angel Gonzalez of 3921 Park Avenue said that Amaury Bitetti would teach Brazilian Jiu Jitsu, which is a different program than Tae Kwon Do. He explained that the \$30.00 monthly fee would allow underprivileged children the opportunity to participate.

Councilman Pacheco asked Mr. Gonzalez why he considered renting the City's facility as opposed to renting a storefront.

Mr. Gonzalez said that renting a storefront would make it a commercial business. He assured Council that they would not take away business from Ray's Tae Kwon Do because they would teach a different art.

Mayor Bain stated that he would like to offer the opportunity to teach martial arts at the Recreation Center to all interested parties.

Councilman Youngs explained that he would not be opposed if this was a service to the residents, but he would not want to put someone in direct competition with a business with an unfair advantage. He asked the Administration to determine what square footage would be utilized and

what is the fair market rate in the City.

By consensus, Council tabled approval of the agreement. Council requested additional information and that the item be rescheduled for the September 22, 2003 meeting.

Item 3A discussed at this time

10. New Business:

10A) Appeal by REIMS, Inc. of Fees Imposed for Excess Police Services - 4601 N. W. 36th Street

Interim City Manager/Building Official Michael A. Sprovero stated that this is an appeal for excessive police calls for the property located at 4601 N. W. 36th Street. He explained that the current Code allows each business fifteen excess police calls during a fiscal year, and REIMS has incurred twenty-one calls. They are appealing six calls in the amount of \$995.22.

Mayleen Cabrera, Property Manager of 4601 N. W. 36th Street, said that there has been a lot of vandalism at the property over the last two years and they invested thousands of dollars in the security system. She explained that a technician is present who would explain the problem with the security system.

Zohir Shabaun of Advanced Securities, 4601 N. W. 36th Street, stated that Florida Power and Light has many power failures in the City of Miami Springs causing the alarm to go off. He said that the problem could be resolved by installing a back up system and back up battery. Mr. Shabaun felt it is not fair for the property owner to have to pay because Florida Power and Light is causing the problem.

Councilman Pacheco stated that other cities have an alarm code that requires a back up battery system in place to avoid this problem, and this is something that should be considered for Miami Springs. He said that police officers are taken off of regular duty to go to investigate a nuisance or false alarm, and they must treat the calls as potential break-ins.

Councilman Pacheco emphasized that the alarm ordinance should ensure that alarms function properly.

Councilman Youngs said that the City has no control over Florida Power and Light, but if there is a higher frequency of nighttime power failures in this area compared with other areas that is something that should be investigated.

Attorney Seiden asked if the problem with the security system was fixed so that the alarm would not go off during future power failures.

Mr. Shabaun answered affirmatively.

Police Captain Pete Baan provided a computer-generated report for every alarm response to the property in question. He said that every response is due to a defective or improperly configured system, or possible operator error. The purpose of the alarm ordinance is to require property owners to configure or repair their alarm systems so they do not go off accidentally. Captain Baan explained that it took twenty-five false alarm responses before the business finally repaired the system.

Captain Baan stated that it is not the City's responsibility to worry about power surges or failures and there are hundreds of alarm systems in the City that do not go off during power failures. He said that an alarm system should be configured to prevent this problem. Captain Baan said that two officers respond to every alarm signal and it takes the officers away from performing their regular duties.

Mr. Sprovero clarified that on April 28, 2003, REIMS had twenty-one calls, and they are appealing the charges for six additional calls. He explained that by the end of May there were an additional four calls, making the total twenty-five.

To answer the Mayor's question, Captain Baan verified that there have not been any more false alarms at the property since May 28, 2003.

Mayor Bain asked the Chief of Police if he could offer any suggestions.

Acting Assistant City Manager/Chief of Police H. Randall Dilling stated the ordinance allows fifteen calls, REIMS has been billed for six excessive calls, and there are four more calls above that. He felt it would be generous if Council were to waive payment of the charges above the six calls already billed.

Councilman Youngs stated that \$165.87 for each police call does not compensate the City for sending two officers.

Chief Dilling said that the City is very generous by allowing fifteen calls and other cities have ordinances that only allow three to five. He recommended that REIMS should pay the invoice for six calls, and Council could waive the four additional calls above that amount.

Councilman Youngs moved to waive payment of the charges above the six calls already billed. Councilman Pacheco seconded the motion.

Councilman Youngs said that if there is a vandalism problem at the property that it should be addressed.

To answer the Mayor's question, Ms. Cabrera stated that she did not report the vandalism to the Police Department.

Chief Dilling offered to address the vandalism problem.

On roll call vote, the motion carried 3-0.

10B) Ordinance - An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-002; Definitions; by Adding Thereto a New Defined Term for Inclusion Within the City Code; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that during the annexation process it became apparent that although there is a term in the City Charter that speaks to contiguous lands, the term is not defined in the City Code. In an abundance of caution, this ordinance provides for a definition of contiguous lands with specific reference to the Charter Section that it appears.

Councilman Pacheco moved to approve the ordinance on first reading. Councilman Youngs seconded the motion, which carried 3-0 on roll call vote.

10C) Resolution - A Resolution of the City Council of the City of Miami Springs Requesting the Miami-Dade County Manager to Ensure that, Regardless of the Voting Systems or Technologies Utilized in the Election Process, there is a Paper Record of Every Ballot Cast in Each Election, no Later than the 2004 General Election Process, and Supporting the Proposed Miami-Dade County Resolution Requiring Full Compliance with the Help America Vote Act of 2002 ("HAVA"); Providing an Effective Date (Requested by Councilman Pacheco)

City Attorney Jan K. Seiden read the resolution by title.

Councilman Pacheco moved to approve the resolution and Councilman Youngs offered the second. On roll call vote, the motion carried 3-0 (Resolution No. 2003-3227).

10D) Request Permission to Reject Request for Proposals # 07-02/03 - Group Health Insurance

Interim City Manager/Building Official Michael A. Sprovero stated that the Administration is requesting Council approval to reject Request for Proposal # 07-02/03 for group health insurance.

Mr. Sprovero explained that a three-member Insurance Review Panel consisting of the Human Resources Director, the Public Services Director and Police Captain reviewed the five proposals that were submitted and recommended that they be rejected due to excessive prices. He said the administration is requesting Council permission to have a City representative negotiate with the individual insurance companies.

City Attorney Jan K. Seiden stated that the Administration feels the proposals are too high, and they believe there is room for discussion, inquiry and negotiations. He explained that the Administration is asking Council to formally reject these proposals and to give direction to negotiate with the individual companies. Attorney Seiden said that if one or more of the insurance companies agree to lower the rates, the Administration would bring the proposal back and ask Council to waive the competitive bid process.

Councilman Youngs moved to reject RFP # 07-02/03 and allow for the proposals to be resubmitted on a negotiated basis. Councilman Pacheco seconded the motion, which carried 3-0 on roll call vote.

11. Golf Course Items: None.

12. Other Business: None.

13. Reports & Recommendations:

13A) City Attorney

Cellular Tower Co-location

City Attorney Jan K. Seiden informed Council that the Board of Adjustment/Zoning and Planning Board would soon consider a request for site plan approval from Metro PCS to co-locate on the cellular antenna tower at the Yacht Basin. He has prepared a preliminary ground lease, which will provide the City \$6,000 per year from Metro PCS and another \$5,000 from Sprint.

Board of Appeals Meeting

City Attorney Jan K. Seiden reminded Council that they would meet as the Board of Appeals on Wednesday, August 27, 2003.

13B) City Manager

Shuttle Bus Questionnaire

Interim City Manager/Building Official Michael A. Sprovero asked Council to return the questionnaire on the Shuttle Bus with any revisions or additions so that it could be finalized and distributed with the utility bills.

Thank You

Acting Assistant City Manager/Chief of Police H. Randall Dilling thanked Council and the Administration for their concern and support during his unexpected illness.

13C) City Council

Feral Cats

Councilman Youngs stated that Council gave direction to the City Manager not to enforce the current ordinance with respect to the number of cats at 1275 Bluebird Avenue. He said that the owners have moved the entire feral cat community into their patio with the guidance of the C.A.T.S. organization, and the long-term plan is to have the cats within the yard with a cat proof fence, which would be an expense of \$2,000 to \$3,000. The owner is asking the City not to enforce the ordinance for the number of cats on the property if they go to the expense of installing the fence.

Mayor Bain said that Council would also have to consider new information from the State of Florida about feral cat colonies before making a commitment.

City Attorney Jan K. Seiden said that if Council makes an exception in this case, that there would be nothing to prevent a cat colony house on every block in the City. He explained that Council is not in a position to give that kind of approval.

Councilman Youngs felt that if Council could not instruct the City Manager not to enforce the cat ordinance with respect to 1275 Bluebird, there would be no incentive for people to take cat colonies off the streets.

Attorney Seiden said that if the problem were allowed to propagate, the other alternative would be to trap and remove the cats, and that that might be the incentive to arrive at a solution.

Councilman Youngs stated that the neighbors on Bluebird Avenue have worked out a temporary solution, the cats are on the patio, and now the question is where do they go from this point. He said this is an example of the residents coming together to create a workable solution.

Councilman Youngs suggested that Council could consider a General Law of Local Application. He said the problem is there crying out for a solution that is in the best interest of the City.

Attorney Seiden stated that there is no guarantee that if the homeowner goes to the expense of installing a fence that the next Council would not vote the other way, because no law is forever.

Interim City Manager/Building Official Michael A. Sprovero said that he would like more information on cat proof fencing because it might be a violation of the City's fence code.

Councilman Youngs said that the goal is to come up with a workable solution. He said that installation of the cat proof fence is a risk that the property owner would take in order to preserve the lives of the feral cats.

Mayor Bain asked when the Cat meetings are held and if they are recorded.

Councilman Youngs explained that the group of five people in the Stray Cats Committee sat down and considered options. He said that they are working on solutions citywide for all the cat colonies, but the house at 1275 Bluebird is an extraordinary situation.

Resolution - “No Place for Hate”

Councilman Pacheco asked Council to consider a resolution that is being put forth by the Miami-Dade County Community Relations Board launching a “No Place for Hate” campaign.

The City Attorney will draft the resolution for Council's approval at the next meeting.

Municipal Parking Lot

Councilman Pacheco asked the City Attorney what the next step is now that the situation of the encroachment into the Canal Street Municipal Parking Lot has been settled.

City Attorney Jan K. Seiden said that with proper notification to the owners, the next step is for the City to move forward with a contract for the demolition of the two buildings and the renovation of the parking lot.

Interim City Manager/Building Official Michael A. Sprovero stated that the City received the final drawings for the parking lot from Post, Buckley, Schuh and Jernigan, Inc. and the work would be put out to bid.

Attorney Seiden said that when the City is ready, he would advise the owner's attorney of the plans to go forward with the parking lot renovation and demolition of the buildings.

“No Parking” Signs: Lenape and Corydon

Councilman Pacheco asked about the decision to install “No Parking” signs at the corner of Lenape and Corydon Drive, and why the Police Department began ticketing the cars without first issuing a courtesy notice.

Acting Assistant City Manager/Chief of Police H. Randall Dilling stated that residents had complained about cars parking overnight at that location, that the Police Department conducted a study, and he would provide this information to Council.

14. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:45 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 9/22/2003

Transcription assistance provided by S. Hitaffer

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.